

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

---

THOMAS R SOCHA,

Petitioner,

v.

Case No. 08-MC-0036

WILLIAM POLLARD, et al.,

Respondents.

---

**ORDER DENYING MOTION TO TOLL DEADLINES  
FOR PETITIONER'S FEDERAL HABEAS CORPUS PETITION**

---

Thomas Socha, who is currently serving a state sentence at Green Bay Correctional Institution, has filed a motion to toll the deadline for filing a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Socha previously filed a motion for a 90-day extension of time, which Judge Stadtmueller granted by Order of September 19, 2008. Socha has now filed a motion to toll the one-year period of limitation for an indefinite period of additional time while he continues to research and prepare his petition for writ of habeas corpus.

Socha's motion will be denied, but without prejudice. In other words, if Socha eventually files a petition for habeas corpus, and the respondent moves for its dismissal on the ground that it is untimely, the court is required to give full consideration to any argument Socha presents that the one-year statute of limitations was tolled. This court, however, is unaware of any authority that it would have to make such a determination before the petition was filed or to extend the deadline for filing such a petition beyond the one-year period. Moreover, it should not be difficult for Socha,

even though he is a non-lawyer, to state the specific grounds upon which he believes he would be entitled to federal relief within the one-year period allowed. In order to obtain federal relief, he must first have raised the same grounds before the state courts. Thus, he must be fully aware of what those grounds are before he is even in a position to consider federal habeas.

In any event, Socha should file his petition as soon as he is able, recognizing that he may already be beyond the one-year deadline. When and if such a petition is filed, and the statute of limitations defense is asserted, the Court will decide whether the petition is timely.

Accordingly, the motion to indefinitely toll the one-year period of limitation is denied. The clerk is directed to close this case.

**SO ORDERED** this 20th day of October, 2008.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge